

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER**

IN THE MATTER OF:

**ROCKINGHAM-LUNEX CO.
NPDES Permit #8271100**

**ADMINISTRATIVE CONSENT
ORDER**

NO. 2010-WW-17

TO: Bill Schmidt
President
Rockingham-Lunex Co.
PO Box B
7551 State Street
Bettendorf IA 52722

I. SUMMARY

This administrative consent order (Order) is entered into between Rockingham-Lunex Co. (Rockingham-Lunex) and the Iowa Department of Natural Resources (DNR) for the purpose of resolving violations of NPDES Permit No. 8271100. The parties have agreed to the provisions below.

Any questions regarding this Order should be directed to:

Relating to technical requirements:

Josh Sobaski, Environmental Specialist
DNR Field Office #6
1023 W. Madison
Washington, Iowa 52353-1623
Phone: 319-653-2135

Relating to legal requirements:

Jon Tack, Attorney for the DNR
Iowa Department of Natural Resources
502 E. 9th Street
Des Moines, Iowa 50319
Phone: 515-281-8889

Payment of penalty to:

Director of the Iowa DNR
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa 50319-0034

II. JURISDICTION

This Order is issued pursuant to the provisions of Iowa Code section 455B.175(1), which authorizes the Director to issue any order necessary to secure compliance with or prevent a violation of Iowa Code Chapter 455B, Division III, Part 1 (wastewater) and the

IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER
Rockingham-Lunex Co.

rules adopted or permits issued pursuant to that part, and Iowa Code section 455B.109 and 567 Iowa Administrative Code (IAC) Chapter 10, which authorize the Director to assess administrative penalties

III. STATEMENT OF FACTS

The DNR and Rockingham-Lunex agree to the following statement of facts:

1. Rockingham-Lunex owns and operates a machine shop in Bettendorf, Iowa which engages in welding, machining, assembly, metal finishing and painting. Rockingham-Lunex operates a wastewater facility pursuant to NPDES permit No. 8271100, which was issued on September 23, 1999 and expired on September 22, 2004.
2. Rockingham-Lunex made timely application for permit renewal and the existing permit is therefore administratively continued until final action is taken by DNR.
3. On January 18, 2002 Rockingham-Lunex and Bill Schmidt, President of Rockingham-Lunex, were convicted in Federal District Court for the discharge of pollutants without a permit.
4. On July 1, 2003, DNR conducted a compliance inspection at Rockingham-Lunex. Documented storm water effluent limit violations included violations related to Total Aluminum, Total Iron, Total Zinc, and Nitrogen. A Notice of Violation was issued on August 5, 2003.
5. On April 12, 2005, DNR issued a Notice of Violation for failure to submit timely monthly operating reports and failure to report all permitted parameters.
6. On March 6, 2007, DNR issued a Notice of Violation for failure to submit timely monthly operating reports and violation of effluent limitations for Zinc and failure to report all permitted parameters.
7. On November 16, 2009, DNR issued a Notice of Violation for failure to submit timely monthly operating reports and failure to report all permitted parameters.
8. On March 19, 2010, DNR issued a Notice of Violation for violation of effluent limitations for Zinc, failure to submit timely monthly operating reports and failure to report all permitted parameters.
9. As of September 1, 2010, Rockingham-Lunex had ceased operations and ceased the discharge covered by the NPDES permit. No future permitted discharges are anticipated.

IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER
Rockingham-Lunex Co.

weekly Zinc sampling despite repeated Notices of Violation. The estimated savings from the failure to sample are estimated at \$3,192. Rockingham-Lunex has failed to expend the necessary funds to address the system deficiencies. For the purpose of resolving this matter consensually, the parties agree to the assessment of a penalty of \$3,192 for this factor.

b. Gravity of the Violation. Rockingham-Lunex has repeatedly violated the terms of its NPDES permit for at least ten years. One of the factors to be considered in determining the gravity of a violation is the amount of penalty authorized by the Iowa Code for the type of violation. As indicated above, substantial civil penalties are authorized by statute. The failure to conduct monitoring and reporting and the violation of effluent limitations threaten the integrity of the program and could endanger human health and the environment. For the purpose of resolving this matter consensually and in light of the closure of the Rockingham-Lunex facility, the parties agree to the assessment of a penalty of \$500 for this factor.

c. Culpability. Rockingham-Lunex has been criminally convicted of Clean Water Act violations. Rockingham-Lunex has repeatedly been notified of noncompliance with permit requirements. For the purpose of resolving this matter consensually and in light of the closure of the Rockingham-Lunex facility, the parties agree to the assessment of a penalty of \$500 for this factor.

VII. WAIVER OF APPEAL RIGHTS

This Order is entered into knowingly by and with the consent of Rockingham-Lunex. For that reason, Rockingham-Lunex waives the right to appeal this Order or any part thereof.

IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER
Rockingham-Lunex Co.

VIII. NONCOMPLIANCE

Failure to comply with this Order may result in the imposition of administrative penalties or referral to the Attorney General to obtain injunctive relief and civil penalties pursuant to Iowa Code section 455B.191. Compliance with section "V. Order," of this Order constitutes full satisfaction of all requirements pertaining to the violations described in section "IV. Conclusions of Law" of this Order.



RICHARD A. LEOPOLD, DIRECTOR

Iowa Department of Natural Resources

Patricia L. Boddy, Interim Director

Dated this 20 day of
Sept, 2010



Bill Schmidt

Rockingham-Lunex Co.

Dated this 22 day of
September, 2010

NPDES #8271100; Field Office #6; Jon Tack; EPA; Steve Williams; I.B.2(c)